FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

of the Baltimore County Zoning Regulations (B.C.Z.R.) as they relate to front yard, side yard and rear yard setbacks for the subject property. Specifically, the Petitioner seeks approval to allow a front porch with a setback of 24 ft., in lieu of the required 30 ft.; a carport with a setback of 3 ft., in lieu of the required 7-1/2 ft.; a pool/deck with a setback of 10 ft., in lieu of the required 22-1/2 ft. and a vestibule with a setback of 3-1/2 ft. in lieu of the required 8 ft., all as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22 day of 1992 that the Petition for a Zoning Variance from Sections 301.1 and 303 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front porch with a setback of 24 ft., in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to allow a carport with a setback of 3 ft., in lieu of the required 7-1/2 ft., be and is hereby GRANT-

IT IS FURTHER ORDERED that a variance to allow a pool/deck with a setback of 10 ft., in lieu of the required 22-1/2 ft., be and is hereby GRANT-ED; and,

IT IS FURTHER ORDERED that a variance to allow a vestibule with a setback of 3-1/2 ft., in lieu of the required 8 ft., all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, howev-

er, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management (DEPRM) recommendations to be submitted upon completion of their review of this matter.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn

additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

In the event the decision rendered is unfavorable to any party, please

Enclosed please find the decision rendered in the above captioned

be advised that any party may file an appeal within thirty (30) days of the

case. The Petition for Residential Variances has been granted, in

date of the Order to the County Board of Appeals. If you require

Baltimore Count, Community Zening Community Sonsy Countries and Zenino

Lawrence E. Schmidt Zoning Commissioner

May 22, 1992

(110) 887 4386

LES:mmn encl.

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

Mr. Gary P. Sweat

Dear Mr. Sweat:

8209 Bullneck Road

Baltimore, Maryland 21222

Case No. 92-400-A

accordance with the attached Order.

RE: Petition for Residential Zoning Variance

GRITICAL

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat

attached hereto and made a part hereof, petition for a Variance from Section (303.1)

To allow a front porch enclosure, average setback of 24° in lieu of the required 30°.

(301) To allow an open carport with a side setback of 3° in lieu of the required 7.5°.

To allow a deck with pool projection with a rear setback of 10° in lieu of the required 22.5°. To allow an enclosed vestibule of 4°x12° with a side setback of 3.5° in lieu of the existing 8°.

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or precised difficulty)

Addition on front & sides are to enclose foyers for weather protection. Existing carport was rotten & replaced to protect vehicles from weather and water from entering basement. Deck existed from previous owner since 1980's and was replaced with pressure treated lumber.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of BaltimoreCounty adopted pursuant to the Zoning Law for

Sallimore County.	I/we do solemnly declare and affirm, under the penantes of perjuty, that I/we are the legal owner(s) of the property which is the subject of this petition.
Contract Purchaser:	Legal Owner(s): Sweat
(type or print name)	(type of first name)
(signature)	(type or prior name)
address	
City State Zap Code Attorney for Petitioner:	8209 Bullneck Kd. 28426 (Balto Md 21222
(type or print name)	City State Zip Code
(signature)	Name, address and phone number of evener, contract purchaser or representative to be contacted.
address phone	Detac
	address phone

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Ziming Commissioner Of Baltimore County, this ______ day of ______, 19____, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

ESTIMATED POSTING DATE: 5 3 42 ESTIMATED CLOSING DATE

AFFIDAVIT

IN SUPPORT OF ADMINISTRATIVE VARIANCE

100-400-4

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8209 Bullneck Road

Baltimore MD 21222
City Code Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrativ Variance at the above address: (indicate hardship or practical difficulty)

Addition on front & sides are to enclose fover for weather protection. Existing carport was rotten and replaced to protect vehicles from weather and water from entering basement.

Deck existed from previous owner since 1980's and was replaced with pressure treated lumber.

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: Coffee (1945)

92-400-H

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 8209 BULLNEUL RO

-3-

Seginning at a point on the	South (north, south, east or west		BULNECK RD
<i>80</i> *	which is	50'	· · · · · · · · · · · · · · · · · · ·
street or which property for	contel (number	of feet of	right-of-way width)

street on which property fronts)
which is considered in the distance of the constant of the co

(number of feet of right-of-way width)

Block _____, Section * B in the subdivision of MURRAY POINT (name of subdivision)

as recorded in Baltimore County Plat Book * 13, Folio * 19, containing

5,100 p. Also known as 8209 BULLNECK RD (property address)

and located in the 12 Election District, 7 Councilmanic District.

"If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ___, Folio ____ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Tourse, Maryland

District 1997	Date of Posting 1/3/194-
Posted for:	
Petitioner: 174.4	
Location of property: SA AND AND AND AND AND AND AND AND AND AN	
Location of Signer Factory Pulling A	1 2 1 1 1 2 2 2 2 1 dury
Remarks:	***************************************
Posted by Milkertey	Data of return: 2/2/9/

		*
		1
par uparents has served the	Beltimore County	-
	Zoning Commisioner	
	County Office Building	
	111 West Chesapeake Avenue	
Marrie	Towson, Maryland 21204	

T@@@![P

Account: R-001-61 Number

··· •

Please Make Checks Payable To! Baftimore County \$35.00

Cashler Validati

433

111 West Chesapeake Avenue Towson, MD 21204

May 14, 1992

887-3353

Mr. Gary P. Sweat 8209 Bullneck Road Baltimore, MD 21222

RE: Item No. 430, Case No. 92-400-A Petitioner: Gary P. Sweat Petition for Administrative Variance

Dear Mr. Sweat:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the In the hearthy life. This petition was accepted for lifting on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120a

887-3353

Your petition has been received and accepted for filing this 15th day of April, 1992.

Received By:

W. Cont Krewary y Zoning Plans Advisory Committee

Petitioner: Gary P. Sweat Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING New Courts Building 401 Bosley Avenue Towson, MD 21204

MEMORANDUM

Arnold Jablon, Director - Zoning Administration & Development Management

Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

April 28, 1992

PETITIONS FROM ZONING ADVISORY COMMITTEE - April 20, 1992 & April 27, 1992

> The Office of Planning and Zoning has no comments on the following petitions:

Charles Eierman - ITEM 425 Gary P. Sweat - ITEM 430/ Kathleen and Jimmy Ledwell Jeffrey and Doris Scheeler Louis and Janet Heidrich

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

Petitns.txt

425.txt

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director Zoning Administration and

DATE: May 12, 1992

Development Management FROM: J. Lawrence Pilson

SUBJECT: Zoning Item #430 - 8209 Bullneck Road ZAC Meeting 4-27-92

The above-referenced matter has been reviewed by the Department of Environmental Protection and Resource Management. Comments are as follows:

The Environmental Impact Review Division requests an extension for the review of the Zoning variance petition for 8209 Bullneck Road, to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations.

If you have any questions, please contact me at extension 2762.

Lawrence telson J. Lawrence Pilson, Development Coordinator Department of Environmental Protection and Resource Management

JLP:tjl

BULLNECK.ZON/TXTSBP

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

MAY 7, 1992

5074 92

(301) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

GARY P. SWEAT RE: Property Owner:

Location:

#8209 BULLNECK ROAD

Zoning Agenda: APRIL 27, 1992 Item No.: #430(LJG)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 4, 1992 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting

for May 4, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for the following items: (no item numbers assigned for five properties)

Item 430

K. Ledwell SE/S Old Hanover Road

J. Scheeler and D. Hall-Scheeler 2212 Maple Road

New North Point Company, Inc. 3838 North Point Road

BBS Building Limited 1313 York Road

L. Heidrick #8 Kelbark Court

ROBERT W. BOWLING, P.E. Chief Developers Engineering Division

RWB: DAK: 8

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: April 30, 1992

Mr. Arnold Jabion, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 27, 1992

There are no comments for item numbers 429 and 430.

RJF/dm

92-400-A

BAL MORE COUNTY, MAR AND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

See attached Chesapeake Bay Critical Area Findings.

Mr. Arnold Jablon, Director Zoning Administration and

Development Management J. Lawrence Pilsonのだず

Development Coordinator, DEPRM

Zoning Item 430 8209 Bullneck Road

Zoning Advisory Committee Meeting of April 27, 1992.

The Department of Environmental protection and Resource Management offers the following comments on the above referenced zoning item.

JLP:ju

JABLON/S/TXTJEU

July 22, 1992

BALTIMORE COUNTY, MARYLAND

Inter-office Correspondence

TO: J. Lawrence Pilson

Development Coordinator

Dept. of Environmental Protection

and Resource Management

FROM: Lawrence E. Schmidt

Mr. Gary Sweat, Petitioner

Zoning Commissioner

SUBJECT: Case No. 92-400-A, Item 430
Property: 8209 Bullneck Road

Attached is a copy of my Order dated May 22, 1992 regarding the

DATE: May 22, 1992

above subject matter.

You indicate in your comment dated May 12, 1992 that you need an extension of time for the review of this variance petition. When you have determined your position in this matter, I would greatly appreciate your notifying the Petitioner whether this proposed development is in compliance with the Chesapeake Bay Critical Area Regulations.

Thank you for your cooperation.

LES:mmn

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: July 15, 1992

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 430
Sweat Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 8209 Bullneck Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. Gary Sweat

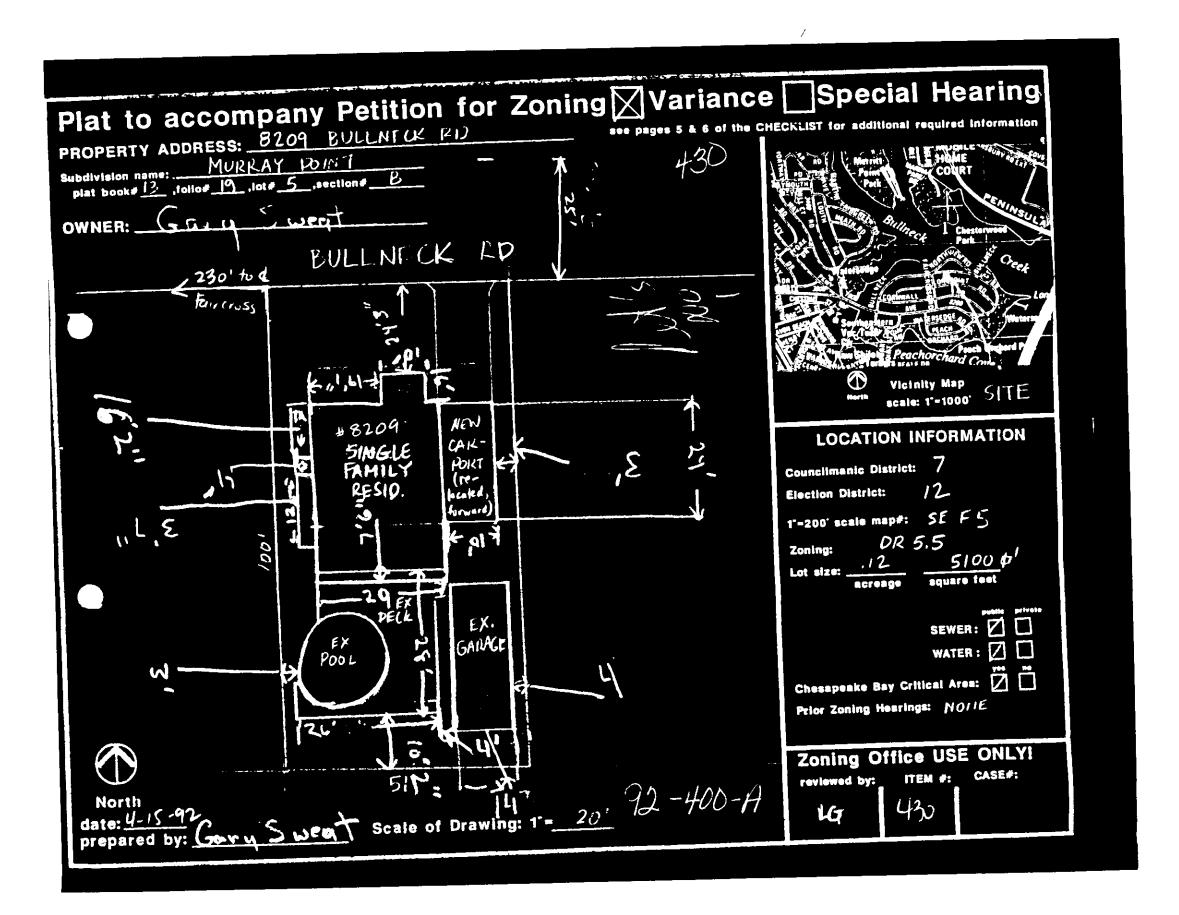
APPLICANT PROPOSAL

The applicant has requested a variance from the Baltimore County Zoning Regulations to permit a front porch enclosure; and open carport; a pool with a deck; and an enclosed vestibule.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>



Memo to Mr. Arnold Jablon July 15, 1992 Page 2

REGULATIONS AND FINDINGS

 Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: This property is located approximately 200 feet from the tidal waters of Bullneck Creek. Therefore, no disturbance of the shoreline buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Finding: To comply with the above regulation, rooftop runoff shall be directed from impervious surfaces associated with this plan to pervious areas. This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area."

CONCLUSTOR

JJD:NSP:ju Attachment

c: Mr. Gary Sweat SWEAT/TXTNSS

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter, Director

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

April 30, 1992

(410) 887-3353

Gary P. Sweat 8209 Bullneck Road Baltimore, Maryland 21222

111 West Chesapeake Avenue Towson, MD 21204

Re: CASE NUMBER: 92-400-A

LOCATION: S/S Bullneck Road, 230' E of c/l Faircross Road
8209 Bullneck Road
12th Election District - 7th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 3, 1992. The closing date is May 18, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Causell Employers
Lawrence E. Schmidt

Zoning Commissioner, Baltimore County

Printed on Recycled Paper

